

STATE OF ILLINOIS
ILLINOIS COMMERCE Commission
STIPULATED AGREEMENT NO. 1068

T 04 - 0064

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "Commission", the Norfolk Southern Railway Company, hereinafter referred to as "Company", the City of Kankakee, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence, that inquiry should be made into the matter of improving public safety at the Fifth Street, Entrance Avenue, Schuyler Avenue, Indiana Avenue (IL 50), and Greenwood Avenue highway-rail grade crossings of the Company's track all located in the City of Kankakee, Kankakee County, Illinois, designated as crossings AAR/DOT 534 393L, milepost 101.41-5E, AAR/DOT 534 392E, milepost 101.27-5E, AAR/DOT 534 391X, milepost 100.74-5E, AAR/DOT 534 390R, milepost 100.71-5E and AAR/DOT 534 388P, milepost 100.51-5E, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 through A-5, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund (Fund) of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

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Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be as follows:

Fifth Street (AAR/DOT #534 393L)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

Entrance Avenue (AAR/DOT #534 392E)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The reconstruction of the existing crossing surface in order to comply with requirements of 92 Illinois Administrative Code Part 1535.203.
- (c) The installation of railroad advanced warning signs and highway-rail grade crossing pavement markings on the north and south approaches in order to comply with requirements of 92 Illinois Administrative Code Part 1535.310.

Schuyler Avenue (AAR/DOT #534 391X)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The reconstruction of the existing crossing surface in order to comply with requirements of 92 Illinois Administrative Code Part 1535.203.
- (c) The installation of a railroad advanced warning sign on the south approach and the installation of highway-rail grade crossing pavement markings on the north and south approaches in order to comply with requirements of 92 Illinois Administrative Code Part 1535.310.

Indiana Avenue/IL 50 (AAR/DOT #534 390R)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

Greenwood Avenue (AAR/DOT #534 388P)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

- (b) The reconstruction of the existing crossing surface in order to comply with requirements of 92 Illinois Administrative Code Part 1535.203.
- (c) The installation of a railroad advanced warning sign on the north approach and the installation of highway-rail grade crossing pavement markings on the north and south approaches in order to comply with requirements of 92 Illinois Administrative Code Part 1535.310.

Section 3 The Company has prepared detailed estimates of cost and general layout plans to accomplish the proposed warning device improvements, which it may be required to perform. Said estimates and general layout plans are attached as Exhibits B-1 through B-5.

Section 4 The Company and the City shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be eighteen (18) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

IMPROVEMENT	EST. COST	FUND	DEPARTMENT	COMPANY	CITY
<u>Fifth Street</u> (AAR/DOT #534 393L)					
Install Automatic Flashing Light Signals and Gates, controlled by Constant warning Time Circuitry	\$197,400	\$177,660	\$0	Remainder ¹	\$0
<u>Entrance Avenue</u> (AAR/DOT#534 392E)					
Install Automatic Flashing Light Signals and Gates, controlled by Constant warning Time Circuitry	\$199,600	\$179,640	\$0	Remainder ¹	\$0
Reconstruct Existing Crossing Surface	N/A	\$0	\$0	100% ³	\$0
Install RR Advanced Warning Signs and Highway-Rail Grade Crossing Pavement Markings	N/A	\$0	\$0	\$0	100% ⁴

Schuyler Avenue (AAR/DOT#534 391X)					
Install Automatic Flashing Light Signals and Gates, controlled by Constant warning Time Circuitry	\$237,700	\$213,930	\$0	Remainder ¹	\$0
Reconstruct Existing Crossing Surface	N/A	\$0	\$0	100% ³	\$0
Install Railroad Advanced Warning Signs and Highway-Rail Grade Crossing Pavement Markings	N/A	\$0	\$0	\$0	100% ⁴
Indiana Avenue /IL 50 (AAR/DOT#534 390R)					
Install Automatic Flashing Light Signals and Gates, controlled by Constant warning Time Circuitry	\$174,500	\$0	\$157,050	Remainder ¹	\$0
Greenwood Avenue (AAR/DOT #534 388P)					
Install Automatic Flashing Light Signals and Gates, controlled by Constant warning Time Circuitry	\$165,500	\$148,950	\$0	Remainder ¹	\$0
Reconstruct Existing Crossing Surface	N/A	\$0	\$0	100% ³	\$0
Install Railroad Advanced Warning Signs and Highway-Rail Grade Crossing Pavement Markings	N/A	\$0	\$0	\$0	100% ⁴
TOTALS - Automatic Warning Device Installations only	\$974,700	\$720,180	\$157,050	Remainder	\$0

Notes:

¹ Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future operating and maintenance costs associated with the new crossing surfaces.

⁴ City responsible for all future maintenance costs associated with the railroad advance warning signs and pavement markings.

⁵ Fund Assistance **Not to Exceed \$720,180**

⁶ Department Assistance **Not to Exceed \$157,050**

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvements at the Indiana Avenue (IL 50)/DOT 534 390R crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

The Company and the City shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company and the City employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

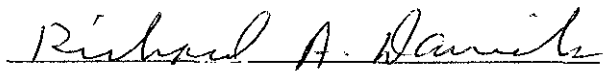
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 23rd day of December, 2003.

A handwritten signature in black ink, appearing to read 'M. E. Stead', written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read 'Richard A. Daniels', written over a horizontal line.

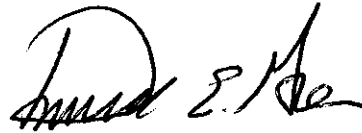
Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1068** concerning improvements at the crossings of the Norfolk Southern Railway Company's track with public highways known as Fifth Street, Entrance Avenue, Schuyler Avenue, Indiana Avenue (IL 50), and Greenwood Avenue, all in the City of Kankakee, Illinois, designated as crossings AAR/DOT 534 393L, milepost 101.41-5E, AAR/DOT 534 392E, milepost 101.27-5E, AAR/DOT 534 391X, milepost 100.74-5E, AAR/DOT 534 390R, milepost 100.71-5E and AAR/DOT 534 388P, milepost 100.51-5E, respectively.

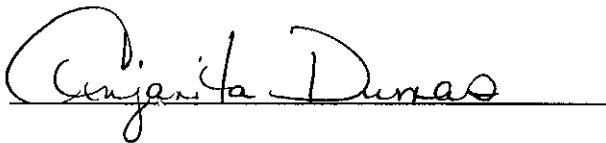
Executed by the Kankakee this 20th day of January 2004.
(City)

City of Kankakee

By:



Attest:



Illinois Commerce Commission Stipulated Agreement 1068 concerning improvements at the crossings of the Norfolk Southern Railway Company's track with public highways known as Fifth Street, Entrance Avenue, Schuyler Avenue, Indiana Avenue (IL 50), and Greenwood Avenue, all in the City of Kankakee, Illinois, designated as crossings AAR/DOT 534 393L, milepost 101.41-5E, AAR/DOT 534 392E, milepost 101.27-5E, AAR/DOT 534 391X, milepost 100.74-5E, AAR/DOT 534 390R, milepost 100.71-5E and AAR/DOT 534 388P, milepost 100.51-5E, respectively.

Executed by the Department this 28th day of January 2004.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By: Victor A. Modeer
Director of Highways gjd

Illinois Commerce Commission Stipulated Agreement No. 1068 concerning improvements at the crossings of the Norfolk Southern Railway Company's track with public highways known as Fifth Street, Entrance Avenue, Schuyler Avenue, Indiana Avenue (IL 50), and Greenwood Avenue, all in the City of Kankakee, Illinois, designated as crossings AAR/DOT 534 393L, milepost 101.41-5E, AAR/DOT 534 392E, milepost 101.27-5E, AAR/DOT 534 391X, milepost 100.74-5E, AAR/DOT 534 390R, milepost 100.71-5E and AAR/DOT 534 388P, milepost 100.51-5E, respectively.

Executed by the Company this 27th day of July 2004.

NORFOLK SOUTHERN RAILWAY
COMPANY

By:



General Manager

Attest:


Assistant Secretary

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	534 393L, 101.41/5E
STREET, CITY, COUNTY	Fifth Street, Kankakee, Kankakee County
JURISDICTION (RDWY)	Local
LOCATION	Urban/Commercial
STREET SURFACE	Asphalt, 43', excellent condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NE to SW	Timber and Asphalt	69'	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	W. Cypress St. 225' south of track
TRAFFIC CONTROL	N/A
ADT & SPEED	9909@30mph
TRAFFIC TYPE	Passenger, 9% trucks, possible School Busses and Hazardous Materials
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8-10 freight Per day @ 15 MPH, 4 Switch Movements, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	AFLS, Cantilevers

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	15	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	N/A	
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	360	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	>360*		* N/A	
NW	>360*		* N/A	
SE	>360*		* N/A	
SW	>360*		* N/A	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

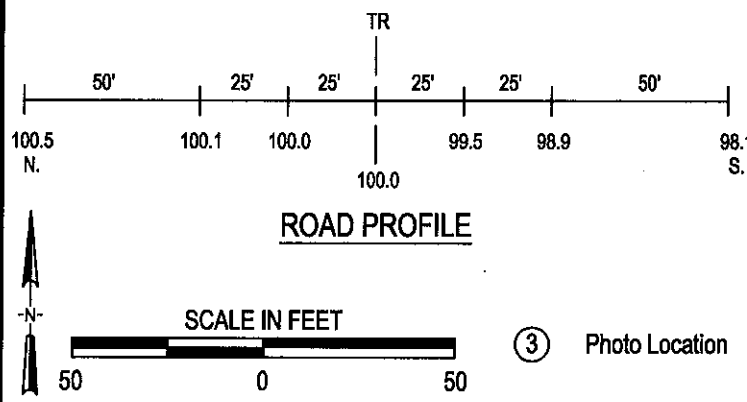
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	100.0	0	25	99.5	2.0
50	100.1	0.4	50	98.9	2.4

Distance measured from outermost rail.

COMMENTS:

Round figure estimate is \$199,800

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 534393L

Location: Kankakee Co., City of Kankakee (I)

Lat/Long: 41°07'36" / 87°52'18"

Railroad: NS

Street: 5th Street

Railroad Milepost: 101.41

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	534 392E, 101.27/5E
STREET, CITY, COUNTY	Entrance Ave., Kankakee, Kankakee County
JURISDICTION (RDWY)	Local
LOCATION	Urban/Commercial
STREET SURFACE	Asphalt, 31', fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NE to SW	Timber and Asphalt	40'	Bad, need reconst.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Unnamed street 15' south of track
TRAFFIC CONTROL	Stop sign on above unnamed street
ADT & SPEED	8000@30mph
TRAFFIC TYPE	Passenger, 1% trucks, possible School Busses and Hazardous Materials
ADVANCE WARNING	No, need them
PAVEMENT MARKING	No, need them

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8-10 freight Per day @ 15 MPH, 4 Switch Movements, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	AFLS

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	15	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	N/A	
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	360	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	>360*		* N/A	
NW	>360*		* N/A	
SE	>360*		* N/A	
SW	>360*		* N/A	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

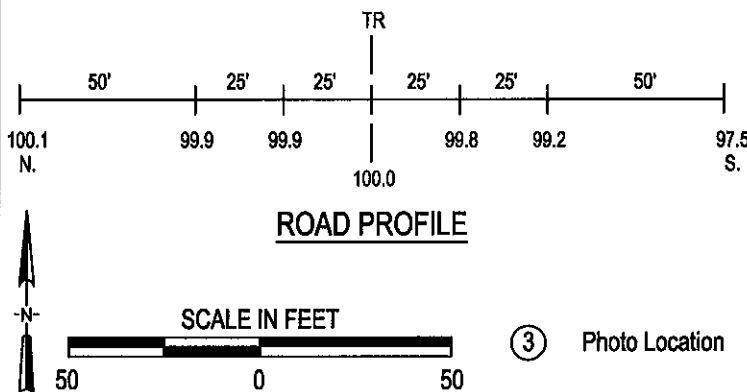
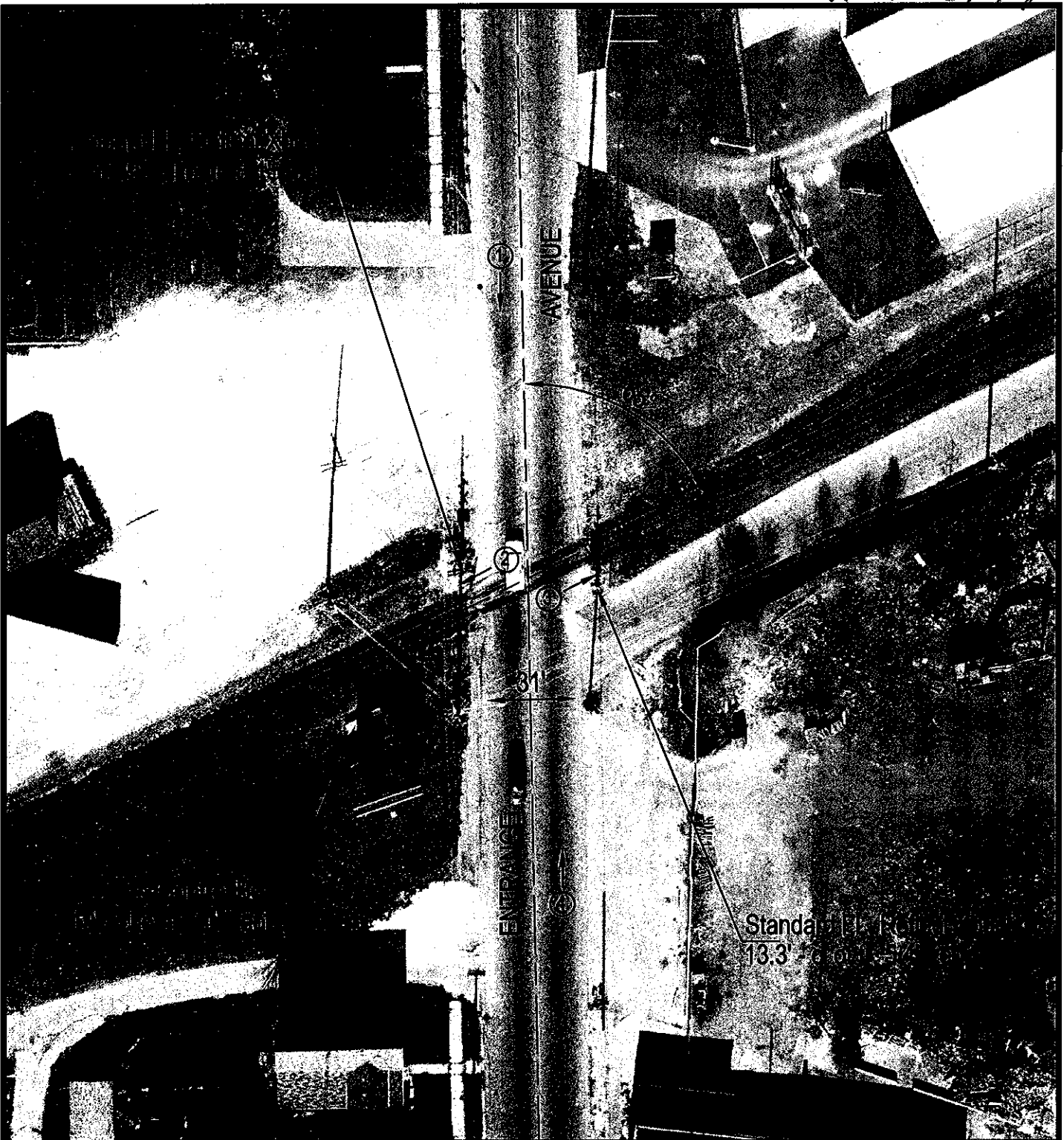
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.9	0.4	25	99.8	0.8
50	99.9	0	50	99.2	2.4

Distance measured from outermost rail.

COMMENTS:

Round figure estimate is \$246,200

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 534392E

Location: Kankakee Co., City of Kankakee (I)

Lat/Long: 41°07'40" / 87°52'09"

Railroad: NS

Street: Entrance Avenue

Railroad Milepost: 101.27

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	534 391X, 100.74/5E
STREET, CITY, COUNTY	Schuyler Ave., Kankakee, Kankakee County
JURISDICTION (RDWY)	Local
LOCATION	Urban/Residential
STREET SURFACE	Asphalt, 40', fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NE to SW	Timber and Asphalt	48' +4' each for peds	Bad, need reconst.

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Alley 78' north and 32' south of track
TRAFFIC CONTROL	N/A
ADT & SPEED	6800@30mph
TRAFFIC TYPE	Passenger, 6% trucks, possible School Busses and Hazardous Materials
ADVANCE WARNING	No on south, yes on north
PAVEMENT MARKING	No, need them

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8-10 freight Per day @ 15 MPH, 4 Switch Movements, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	AFLS and cantilever for southbound traffic

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	15	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	N/A	
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	360	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	>360*		* N/A	
NW	>360*		* N/A	
SE	>360*		* N/A	
SW	>360*		* N/A	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

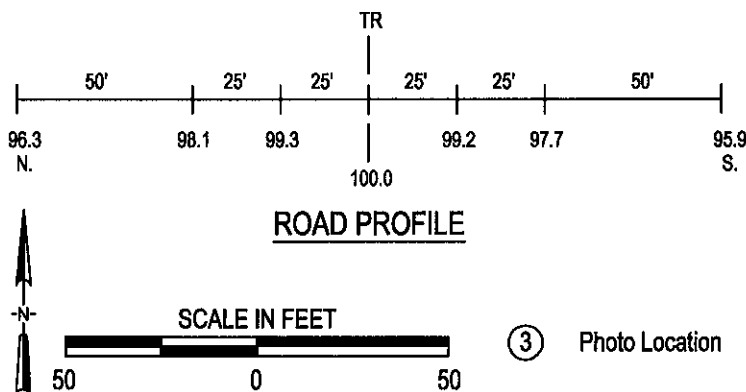
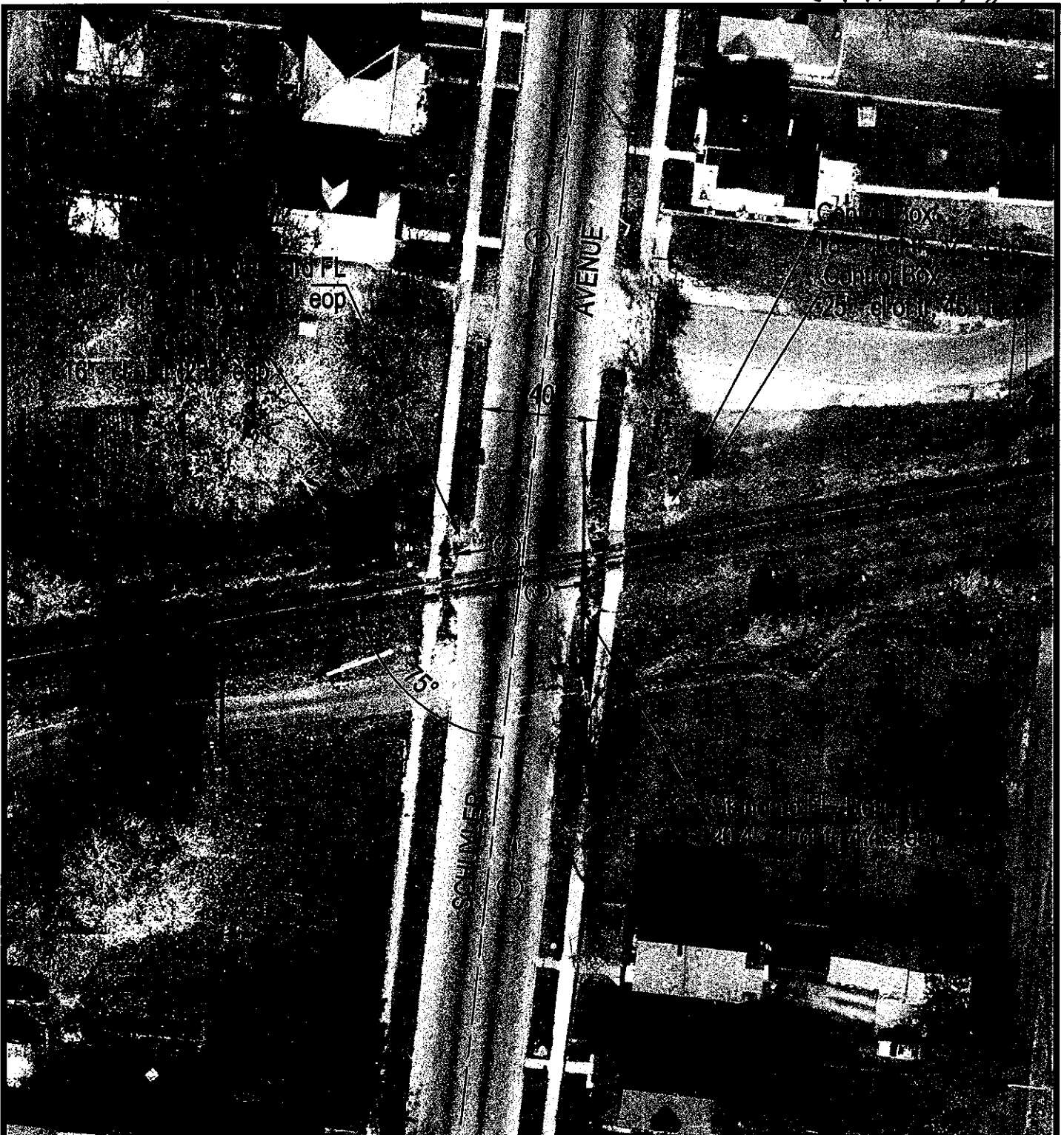
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.3	2.8	25	99.2	0.8
50	98.1	4.8	50	97.7	6.0

Distance measured from outermost rail.

COMMENTS:

Round figure estimate is \$245,500

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 534391X

Location: Kankakee Co., City of Kankakee (I)

Lat/Long: 41°07'44" / 87°51'45"

Railroad: NS

Street: Schuyler Avenue

Railroad Milepost: 100.74

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	534 390R, 100.71/5E
STREET, CITY, COUNTY	Indiana Ave., Kankakee, Kankakee County
JURISDICTION (RDWY)	State
LOCATION	Urban/Residential
STREET SURFACE	Asphalt, 30', good condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
NE to SW	Rubber + T/A for peds	36'rubber+ 4' each peds	fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Willow St. 78' north and 195' south of track
TRAFFIC CONTROL	N/A
ADT & SPEED	3700@30mph
TRAFFIC TYPE	Passenger, 9% trucks, possible School Busses and Hazardous Materials
ADVANCE WARNING	yes
PAVEMENT MARKING	yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	8-10 freight Per day @ 15 MPH, 4 Switch Movements, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	AFLS

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	15	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)	N/A	
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	360	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	>360*		* N/A	
NW	>360*		* N/A	
SE	>360*		* N/A	
SW	>360*		* N/A	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.2	3.2	25	99.2	3.2
50	97.4	7.2	50	97.9	5.2

Distance measured from outermost rail.

COMMENTS:

Round figure estimate is \$187,400

This is a state route that is a one-way couple going south. Harrison St is the other part of the couple and it runs north and is east of Indiana Ave. No GCPF can be expended here, but IDOT will pick up 90%.

Page three will be the Location Sketch (Aerial Photo) of the crossing.